IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE ELEVENTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

-

WRIT PETITION NO : 13896 of 2002

Between:

R. Ranga Reddy S/o. Buchi Reddy
Keshavapuram Vio-Atmakur
Warangal District

..... PETITIONER

AND

1 The Industrial Tribunal-Cum-Labour Court, Rep. by its Presiding Officer, Warangal
2 The Depot Manager, A.P.S.R.T.C. Warangal - I Depot,
Warangal District

.....RESPONDENT(S)

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to call for the records from the 1st respondent and issue an appropriate writ, order or Direction, particularly one in the nature of Writ of Certiorari and quash the Award Passed by the 1st respondent in I.D. No. 58 of 2000, dated 7-3-2002, Published on 20-6-2002, in upholding the order of removal passed by the 2nd respondent, holding the same as illegal, unjust, contrary to law and perverse; and grant all consequential benefits.

Counsel for the Petitioner: MR.A.K.JAYAPRAKASH RAO

Counsel for the Respondents : SMT.P.RAJANI REDDY

The Court made the following :

THE HON'BLE SRI JUSTICE B.PRAKASH RAO

WRIT PETITION No. 13896 of 2002

ORDER:

Heard Sri A.K. Jayaprakash Rao, learned counsel for the petitioner and Smt P.Rajani Reddy, learned standing counsel appearing on behalf of the second respondent.

The petitioner herein, who had been working as a Conductor, seeks to assail the award in I.D. No. 58 of 2000, dated 07.03.2002 as published in Gazette on 20.06.2002 as bad and illegal.

The case of the petitioner is that he was appointed in the year 1978 and worked with good service record. A check was made on 27.08.1999 while he was under conducting a bus in Hanamkonda to Nizamabad route and on the basis of certain irregularities alleged to have been found a charge sheet was issued and enquiry was ordered and on the basis of the enquiry report, he was removed from service and thereupon, he sought a reference under Section 2-A (2) of the Industrial Disputes Act before the first respondent herein. During the course of enquiry, both sides did not produce any evidence either oral or documentary. Ultimately, a nil award was passed confirming the order of removal of the petitioner. Hence, the Writ Petition.

Having heard the learned counsel on either side and on perusal of the material, though the petitioner has sought to raise objections regarding correctness of the enquiry on the ground that he was not provided with proper opportunity, it is not necessary to go into the

same in this Writ Petition. However, it is seen that before going into the merits either way, the Labour Court ought to have given a preliminary finding as to the validity of the enquiry and gone into other aspects as warranted on the facts and circumstances of the case. *In Copper Engg. Ltd. Vs. P.P. Mundhe* Case, the Apex Court held that not following such procedure totally vitiates the proceedings. In this case, there is no such finding in regard to the enquiry nor there is also any consideration in regard to the applicability of even Section 11-A of the Industrial Disputes Act. In all these angles, necessarily, the matter requires to be reconsidered afresh.

The Writ Petition is, accordingly, allowed, setting aside the impugned award dated 07.03.2002 is set aside and the matter is remitted back to the first respondent for fresh consideration on merits in accordance with law after giving notice and opportunity to both the sides. The entire exercise shall be completed within a period of three months from the date of receipt of copy of this Order. No costs.

(B.Prakash Rao, J.)

11.02.2005

DRK

That Rule Nisi has been made absolute as above.

Witness the Hon'ble Sri Devinder Gupta, the Chief Justice,on

Friday, the eleventh day of February two thousand and five.

Assistant Registrar

Copy to:

1 The Industrial Tribunal-Cum-Labour Court, Rep. by its Presiding Officer, Warangal
2 The Depot Manager, A.P.S.R.T.C. Warangal - I Depot, Warangal District

3 Two CD copies.